

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FLETCHER HOWE,

Plaintiff(s),

v.

FIRSTKEY HOMES, LLC,

Defendant(s).

Case No. 2:22-cv-01166-JCM-DJA

Order

[Docket No. 30]

Pending before the Court is an order to show cause why Plaintiff and Plaintiff's counsel should not pay the defense's attorneys' fees related to the vacated early neutral evaluation. Docket No. 30 (citing Fed. R. Civ. P. 16(f)). That order to show cause arises out of the failure to meet three separate deadlines to submit a confidential evaluation statement. *See* Docket No. 29 (deadline of March 24, 2023); Docket No. 24 (deadline of March 22, 2023); Docket No. 10 at 4 (deadline of March 1, 2023).

Plaintiff and Plaintiff's counsel filed a response pointing to health issues and medical procedures as the cause for these violations. Docket No. 31. The Court appreciates that unexpected circumstances sometimes arise, complicating efforts to meet deadlines. When such circumstances arise, however, the proper course is to file a request for an extension rather than simply allowing a deadline to lapse without taking any action. *See, e.g., Christiana Trust v. SFR Invs. Pool I, LLC*, 2019 WL 4934190, at *3 & n.5 (D. Nev. Oct. 7, 2019). Plaintiff's counsel is admonished for that shortcoming and must do better moving forward. The order to show cause is otherwise **DISCHARGED**.

The time for conducting an early neutral evaluation has passed, *see* Local Rule 16-6(d), and one will not be reset in this case. Accordingly, the Clerk's Office is **INSTRUCTED** to remove

1 this case from the early neutral evaluation program and to remove the undersigned magistrate
2 judge from the case. The parties are strongly encouraged to engage in robust settlement
3 discussions in prompt fashion given the inability to conduct a formal early neutral evaluation.

4 IT IS SO ORDERED.

5 Dated: April 11, 2023

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9 Nancy J. Koppe
10 United States Magistrate Judge
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